Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-15 remain in the application. Claims 1 and 9 have been amended.

In item 2 on page 2 of the above-identified Office action, claims 1-15 have been objected to as being directed to non-statutory subject matter under 35 U.S.C. § 101.

MPEP 2106 states that:

> Another statutory process is one that requires the measurements of physical objects or activities to be transformed outside of the computer into computer data (In re Gelnovatch, 595 F.2d 32, 41 n.7, 201 USPQ 136, 145 n.7 (CCPA 1979) (data-gathering step did not measure physical phenomenon)), where the data comprises signals corresponding to physical objects or activities external to the computer system, and where the process causes a physical transformation of the signals which are intangible representations of the physical objects or activities.

In the present invention as claimed, the opportunity to switch an error mode on or off via an input is provided. Therefore, the user has the choice to decide whether or not to turn an

error mode on or off via an input and meets the above-noted requirement of MPEP 2106.

Furthermore, especially with respect to the device claims 9-16, it is respectfully noted that the Examiner is in error when regarding the present invention as representative of a computer-readable medium. The device claim 9 explicitly discloses a control apparatus producing an output signal. Computer media are not apparatuses and do not produce output signals. They can only be used as a part of an apparatus as the software to program the apparatus. The computer-readable medium itself cannot be considered to be an apparatus producing an output signal. Claim 9 of the instant application explicitly recites an apparatus which can be switched on or off with regard to an error made via an input and does not refer to a computer program for enabling an apparatus to do so. Therefore, claims 9-16 recite an apparatus which is useful, concrete, and tangible.

As seen from the above-given remarks, claims 1-16 are directed to statutory subject matter.

In item 4 on page 3 of the Office action, claims 1-16 have been rejected as being obvious over Ohwada (U.S. Patent No.

4,443,849) in view of Lytel et al. (U.S. Patent No. 5,039,189) (hereinafter "Lytel") under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 16, lines 19-20 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 9 call for, *inter alia*:

enabling the apparatus for switching an error mode on or off via an input, checking whether the error mode is switched on via the input.

The Ohwada reference discloses an error detecting unit (45) monitors the operation of a logic circuit unit (34). An error signal (ER) is automatically produced when an error is detected in each unit during execution of a particular run of the selected instructions. The error signal is (ER) is automatically produced and does not depend on the input of a

user (column 4, lines 41-52). Accordingly, Ohwada does not disclose switching an error mode on or off via an input.

The Lytel reference does not disclose switching an error mode on or off via an input. Therefore, Lytel does not make up for the deficiencies of Ohwada.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest **all** the claim limitations.

As seen from the above-given remarks, the references do not show or suggest enabling the apparatus for switching an error mode on or off via an input, checking whether the error mode is switched on via the input, as recited in claims 1 and 9 of the instant application.

The references applied by the Examiner **do not** teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Since independent claims 1 and 9 are believed to be allowable, dependent claims 2-8 and 10-16 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 9. Claims 1 and 9 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 9, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-16 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Applic. No. 09/927,545
Amdt. dated April 25, 2007
Reply to Office action of January 25, 2007

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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For Applicant(s)

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